

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Roland Chretien

v.

Civil No. 07-cv-044-JM

Bruce W. Cattell, Warden,
New Hampshire State Prison

O R D E R

Roland Chretien filed a petition for a writ of habeas corpus in this Court on February 20, 2007 (document no. 1) raising four claims. That petition demonstrated exhaustion for only one of the four claims raised. On February 22, 2007, I directed Chretien to amend his petition to demonstrate that the remaining three claims had been properly exhausted (document no. 2). Chretien filed "Petitioner's Supplemental Brief in Support of application for Writ of Habeas Corpus" (document no. 3) on March 15, 2007, demonstrating that two additional claims had been exhausted. On April 3, 2007, I again directed Chretien to amend his petition to demonstrate exhaustion of the fourth claim, or to choose to either forego that claim or return to the State courts to complete exhaustion (document no. 4).

On April 12, 2007, Chretien filed "Petitioner's Second Supplemental Brief in Support of Application for Writ of Habeas Corpus" (document no. 5). This additional filing aptly demonstrates exhaustion of the fourth claim, including the federal nature of the claim, in the State courts. Accordingly, I find that for purposes of preliminary review, Chretien has sufficiently demonstrated exhaustion of the four claims raised in his habeas petition to allow the matter to proceed at this time.

I direct that Chretien's petition be served on the Respondent. See § 2254 Rule 4. The Respondent shall file an answer or other pleading in response to the allegations made therein. See id. (requiring reviewing judge to order a response to the petition). The Clerk's office is directed to serve the New Hampshire Office of the Attorney General, as provided in the Agreement on Acceptance of Service, copies of this Order and the habeas petition (document no. 1). Respondent shall answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5 (setting forth contents of the answer). Upon receipt of the response, the Court will determine whether a hearing is

warranted. See § 2254 Rule 8 (providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service is to be made by mailing the material to the parties' attorneys.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: May 16, 2007

cc: Thomas L. Gleason, Esq.
Scott Gleason, Esq.